

REMARKS

Amendment of Specification to Include Additional Priority Claim Information

Submitted herewith is an amendment to the first line of the specification indicating that this application claims priority to application 09/729,538 as a continuation thereof. The '538 application, in turn, is a national phase application of a PCT application filed June 2, 1999, which PCT application claims priority to a German patent application filed June 5, 1998.

A certified copy of the German priority document has been previously entered in this case along with the March 29, 2006 response to the January 12, 2006 Office action. Also submitted herewith is a Petition to Accept an Unintentionally Delayed Claim for Foreign Priority, to perfect the foreign priority claim in this case.

A claim for priority to the US parent case, application number 09/729,538, was made in the present application as originally filed. This claim, shown on the top of page 1 of the specification under the heading "Cross-Reference to Related Applications", is amended herein to more correctly claim priority to the '538 application as a continuation thereof. Finally, a Supplemental Application Data Sheet is submitted herewith to reflect the above-listed priority claims.

Specification

The "Summary of the Invention" section of the specification has been amended to eliminate references to specific claims.

Claim objections

Claim 36 has been objected to for use of the phrase “a slot”. To address this objection, claim 36 has been amended to refer to “the respective slot”.

Claim Rejection Under 35 USC § 102

The Examiner has rejected claims 32, 33, 37, and 42 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,609,394 to Ligon, Sr. et al. However, as the Examiner has failed to make a *prima facie* case for rejection under Section 102, Applicant respectfully requests that this rejection be withdrawn.

Specifically Ligon, Sr. et al. fail to disclose “connecting webs forming a substantially horizontal pivoting axis” as called for in the claims. While it is true that there are webs which connect the projections 27 to the rest of the structure, these connecting webs do not form “a substantially horizontal pivoting axis” as claimed. The connecting webs simply hold the projections 27 onto the body of the lumbar support but do not constitute the axis about which pivoting occurs.

If the projections 27 were to “pivot” relative to the lumbar support, the axis for pivoting that would be formed by the connecting webs is vertical, not horizontal.

To the extent the projections 27 of Ligon, Sr et al. may rotate along with the lumbar support as it is arched, and to the extent this rotation may be considered “pivoting”, the axis of rotation of the projections 27 is not formed by the connecting webs, as called for in the claims.

Finally, the claim rejections under Section 102 in view of Klinger, Christopher et al., and

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Dosen et al. are all rendered moot in light of the amendments to the specification and the Petition to Accept an Unintentionally Delayed Claim for Foreign Priority that is submitted herewith, which together establish a priority date of June 5, 1998, for the instant application, which date precedes those of the above-listed references.

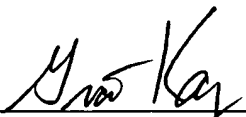
Conclusion

Applicant respectfully submits that all of the independent and dependent claims are allowable over the prior art of record. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner finds that the application is unpatentable for any reason, Applicant hereby formally requests that the Examiner contact the undersigned by telephone at the number provided so that an interview may be scheduled.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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